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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,400	03/17/2005	Haral Sieke	AP051-05	5010
10/37 7590 05/05/2009 MILDE & HOFFBERG, LLP 10 BANK STREET SUITE 460 WHITE PLAINS, NY 10606				
EXAMINER				
LANDRUM, EDWARD F				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
05/05/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,400

Applicant(s)

SIEKE ET AL.

Examiner

Edward F. Landrum

Art Unit

3724

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34, 36-38, 40, 46-49, 56 and 58-63 is/are pending in the application.
- 4a) Of the above claim(s) 58-63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34, 36-38, 40, 46-49 and 56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 34, 36-38, 46, 48, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Wessels (German Patent no 29806561.7) in view of Belling (U.S Patent No. 3,611,571), in further view of Meitzel (German Patent No. 3510738).

Wessels teaches (see Figures 1-3) a device capable of trimming windshield wiper blades having a basic body with a longitudinal passage (See Figure 1). Two longitudinal webs formed in a facing relationship on opposite sides of the longitudinal passage form a first guide (generally 3). A cutting unit (1, 2, and 4) is adjustably mounted in the body and comprises a cutting blade (1) positioned normal to the direction of movement of a wiper blade and normal to a cutting direction. A second guide (4 and 2) is located in proximity to the cutting blade and is capable of guiding a wiper blade. The second guide tapers in a direction of movement of the material being cut (6) from a large width to a width that sufficiently supports and guides the lip of the wiper blade during cutting, although the width of this supportive portion of the second guide is not fixed. Figures 2 and 3 show the second guide has a depth (distance between 2 and top of 4) capable of covering a portion of a lip of a wiper blade to be cut. The second guide expands into a discharge passage after the blade. Means (the two

posts and springs shown in Figures 2 and 3) are provided for adjusting the cutting unit with respect to the first guide. A locking means (5) is provided to lock the cutting unit into place.

Wessels teaches all of the elements of the current invention as stated above except the second guide having a fixed width channel disposed in the cutting plane, a play free connection between a spindle and an adjusting wheel, and means for measuring adjusting the cutting unit.

Belling teaches (see Figures 1-4) that it is old and well known to provide two guides (38 and 40) on a trimming tool such that the second guide (generally 40) has a fixed width channel disposed in the cutting plane (Figure 3). This simple type construction is more durable and simpler to construct (Col. 2, lines 10-16).

It would have been obvious to have modified Wessels to incorporate the teachings of Belling and make the second guide have a fixed width channel disposed in the cutting plane. A fixed width channel in the second guide would make the construction simpler and more durable, thereby decreasing manufacturing costs while also increasing the life of the product.

Meitzel teaches (see Figures 1-3) that it is old and well known to provide a means for adjusting the position of the cutting unit, having an adjusting wheel and a spindle (4), which interact in a play-free manner, for the purpose of adjusting the vertical position of the cutting unit (3) such that the position of the cutting unit can be set prior to cutting.

It would have been obvious to have modified Wessels to incorporate the teachings of Meitzel provide a means for adjusting the position of the cutting unit having a play free adjustment means. Providing means for adjusting the position of the cutting unit with a play-free adjustment means comprising a spindle and an adjusting wheel would allow a user to more accurately adjust the vertical height of the cutting unit.

3. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified device of Wessels in view of Tarpill et al (U.S Patent No. 6,581,291), hereinafter Tarpill

The modified device of Wessels teaches all of the elements of the current invention as stated above except the adjusting wheel being mounted in a recess of the body.

Tarpill teaches (see Figure 5) it is old and well known to place a thumb wheel (52) in the recess of the housing.

It would have been obvious to have modified the modified device of Wessels to incorporate the teachings of Tarpill place the thumb wheel in a recess of the housing. Doing so would aid in preventing the thumb wheel from being moved accidentally during the cutting process thereby making it so a user would not as often have to re-cut a wiper blade due to changes in the cutting height of the cutting blade.

4. Claims 47 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified device of Wessels, as stated in Section 2, in view of Diebold (German Patent No. 4110799).

The modified device of Wessels teaches all of the elements of the current invention as stated above except curving the first wiper blade guide and the entrance to the longitudinal passage.

Diebold teaches (see Figure 2) curving the entrance to the longitudinal passage as well as curving the first wiper blade guide in the longitudinal direction as the curves (19) are in the longitudinal direction of the cutting unit.

It would have been obvious to have modified Wessels to incorporate the teachings of Diebold to curve both the entrance to the passage as well as first guide as doing so would allow a user to more easily place the wiper blade into the wiper blade guide thereby making the cutting process more efficient.

Response to Arguments

5. Applicant's arguments with respect to claims 34, 36-38, 40, 46-49, and 56 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant's use of means plus function language to claim the means for adjusting the position in a cutting unit, because the means for limitation is further modified by structure in claim 40 the 112 6th paragraph is not invoked.

Examiner recommends claiming the structure of the means for adjusting the depth of cut as disclosed in Figure 23 and previously discussed in the applicant initiated interview filed 6/12/2008.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3724

Freeland (U.S Patent No. 5,848,471), Plana (U.S Patent No. 4,693,004), Nguyen (U.S Patent No. 5,044,081), Samuelsson (U.S Patent No. 4,604,802), Faggioto (U.S Publication No. 2001/0034919), Ducret (U.S Patent No. 5,809,652), Danter et al (U.S Patent No. 5,381,601), Matthews (U.S Patent No. 2,013,893), Belling (U.S Patent No. 6,611,571), Fabian (U.S Patent No. 3,886,657), and Carney et al (U.S Patent No. 5,285,577) teach elements of the current invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. F. L./
Examiner, Art Unit 3724
5/1/2009

/Boyer D. Ashley/
Supervisory Patent Examiner, Art Unit 3724